

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JAMES HAYDEN,

Plaintiff,

vs.

2K GAMES, INC. and TAKE-TWO
INTERACTIVE SOFTWARE, INC.,

Defendants.

CASE No. 1:17-cv-02635

Judge Christopher A. Boyko

DECLARATION OF ANDREW ALEXANDER

1. I, Andrew Alexander, submit this Declaration on behalf of James Hayden (“Mr. Hayden” or “Plaintiff”) in support of Plaintiff’s Memorandum in Opposition to Defendants’ Motion to Exclude Testimony of Michal A. Malkiewicz.

2. I am an Attorney at the law firm Calfee, Halter & Griswold LLP.

3. Attached as **Ex. A** to this Declaration is a true and correct copy of the Expert Report of Michal A. Malkiewicz, served on May 27, 2021.

4. Attached as **Ex. B** to this Declaration is a true and correct copy of excerpts taken from the Expert Report of James Malackowski, served on May 27, 2021.

5. Attached as **Ex. C** to this Declaration is a true and correct copy of the Rebuttal Expert Report of Michal A. Malkiewicz, served on July 1, 2021.

6. Attached as **Ex. D** to this Declaration is a true and correct copy of excerpts taken from the Deposition of Michal A. Malkiewicz, taken on August 19, 2021.

7. Attached as **Ex. E** to this Declaration is a true and correct copy of excerpts taken from the Expert Report of Ian Bogost, Ph.D., served on May 27, 2021.

8. Attached as **Ex. F** to this Declaration is a true and correct copy of excerpts taken from the Deposition of Ian Bogost, Ph.D., taken on August 30, 2021.

9. Attached as **Ex. G** to this Declaration is a true and correct copy of excerpts taken from the Deposition of Jason Argent, taken on January 8, 2021.

10. Attached as **Ex. H** to this Declaration is a true and correct copy of excerpts taken from the Deposition of James Malackowski, taken on August 26, 2021.

I, Andrew Alexander, declare under penalty of perjury that the foregoing Declaration is true and correct.

Dated: November 22, 2021

/s/ Andrew Alexander

Andrew Alexander